

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Laury I. Gust,

Civ. No. 08-1080 (MJD/JJK)

Plaintiff,

v.

Michael J. Astrue, Commissioner of Social
Security,

ORDER

Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated January 21, 2009. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Plaintiff's Complaint (Doc. No. 1) be **DISMISSED WITHOUT PREJUDICE**.

Date: February 17, 2009

s/Michael J. Davis

MICHAEL J. DAVIS

Chief Judge - United States District Court